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GROUP 1600

PTO/SB/21 (08-00)

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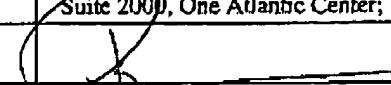
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<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>		<b>Application Number</b> 08/965,356
		<b>Filing Date</b> November 16, 1997
		<b>First Named Inventor</b> Merton Bernfield
		<b>Group Art Unit</b> 1632
		<b>Examiner Name</b> A. Baker
<b>Total Number of Pages in This Submission</b>		<b>Attorney Docket Number</b> CMCC 533

**ENCLOSURES (check all that apply)**

<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/ Incomplete Application  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.63	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers  <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
<b>Remarks</b>		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

<b>Firm or Individual name</b>  <i>Patrea L. Pabst, Reg. No. 31,284</i>	<i>Holland &amp; Knight LLP</i>
<i>Suite 2000, One Atlantic Center; 1201 West Peachtree Street, N.E.; Atlanta, GA 30309-3400</i>	
<b>Signature</b> 	
<b>Date</b> <i>October 2, 2002</i>	

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: \_\_\_\_\_

<b>Typed or printed name</b> <i>Patrea L. Pabst</i>	<b>SEE CERTIFICATE OF FACSIMILE TRANSMITTAL</b>
<b>Signature</b> 	
<b>Date</b> <i>October 2, 2002</i>	

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PTO/SB/17 (11-01)

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# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)-0-

## Complete If Known

Application Number	08/965,356
Filing Date	November 6, 1999
First Named Inventor	Merton Bernfield
Examiner Name	A. Baker
Group Art Unit	1632
Attorney Docket No.	CMCC 533

## METHOD OF PAYMENT (check all that apply)

Check  Credit card  Money Order  Other  None  
 Deposit Account:

Deposit Account Number	50-1868
Deposit Account Name	Holland & Knight LLP

The Commissioner is authorized to: (check all that apply)  
 Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) during the pendency of this application  
 Charge fee(s) indicated below, except for the filing fee to the above identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity / Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
101 740	201 370	Utility filing fee	
105 330	208 165	Design filing fee	
107 610	207 265	Plant filing fee	
108 740	208 370	Reissue filing fee	
114 180	214 80	Provisional filing fee	

SUBTOTAL (1) (\$)

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	- 20	<input type="text"/> X <input type="text"/> = <input type="text"/>	
Multiple Dependent	- 3	<input type="text"/> X <input type="text"/> = <input type="text"/>	

Large Entity / Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
103 18	203 9	Claims in excess of 20	
102 84	202 42	Independent claims in excess of 3	
104 280	204 140	Multiple dependent claim, if not paid	
108 84	209 42	** Reissue independent claims over original patent	
110 18	210 9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$)

\*or number previously paid, if greater. For Reissues, see above.

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity / Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 180	138 130	Non-English specification	
147 2,520	147 2,520	For filing a request for or parts reexamination	
112 820*	112 820*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	
118 400	216 200	Extension for reply within second month	
117 920	217 460	Extension for reply within third month	
118 1,440	218 720	Extension for reply within fourth month	
128 1,960	228 980	Extension for reply within fifth month	
119 320	219 180	Notice of Appeal	
120 320	220 160	Filing a brief in support of an appeal	
121 280	221 140	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,280	241 840	Petition to revive - unintentional	
142 1,280	242 640	Utility issue fee (or reissue)	
143 460	243 230	Design issue fee	
144 620	244 310	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 80	123 50	Processing fee under 37 CFR 1.17(e)	
126 180	126 180	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	
146 740	248 370	Filing a submission after final rejection (37 CFR § 1.129(e))	
149 740	249 370	For each additional invention to be examined (37 CFR § 1.129(b))	
179 740	279 370	Request for Continued Examination (RCE)	
189 800	169 900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

SUBMITTED BY		Complete (if applicable)		
Name (Print/Type)	Patricia L. Pabst	Registration No.	31,284	Telephone (404) 817-8473
Signature		Date	October 2, 2002	

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OCT. 02 '2002 12:21

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## FACSIMILE

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Group 1600 After Final	Assistant Commissioner for Patents	703-872-9307
NAME	COMPANY/FIRM	FAX NUMBER
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CITY	STATE	(TELEPHONE NUMBER)

**FROM:**

Patrea L. Pabst	404-817-8473	7
NAME	TELEPHONE	TOTAL PAGES (Including Cover Sheet)

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DATE: August 7, 2002	URGENCY: <input type="checkbox"/> SUPER RUSH	<input type="checkbox"/> RUSH	<input type="checkbox"/> REGULAR
FAXED BY:	FILE #: 078856/00014	CLIENT NAME: CMCC 533	

CONFIRMED: <input type="checkbox"/> YES <input type="checkbox"/> NO	NAME:	TIME:
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**MESSAGE:**

Applicants: Merton Bernfield and Ofer Reizes

Serial No: 08/965,356 Art Unit: 1632

Filed: November 6, 1999 Examiner: A. Baker

For: METHODS AND REAGENTS FOR REGULATING OBESITY

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

# 35

Applicants: Merton Bernfield and Ofer Reizes

Serial No: 08/965,356 Art Unit: 1632

Filed: November 6, 1999 Examiner: A. Baker

For: METHODS AND REAGENTS FOR REGULATING OBESITY

Assistant Commissioner for Patents  
Washington, D.C. 20231

**PETITION FOR ENTRY OF AMENDMENT**

Sir:

This is a petition for entry of amendment mailed April 27, 2001 that was denied entry in an **Advisory Action mailed September 23, 2002 (note this was almost one and one-half years after filing of the amendment)**. This petition is therefore timely filed.

The Examiner's Answer in this case, mailed February 27, 2001, stated on page 19,

Claims 6 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In an amendment mailed April 27, 2001, with a Reply to the Examiner's Answer, appellants amended claims 6 and 15 to independent form including all of the limitations of the base claim and any intervening claims. Claims 1, 6, 10 and 15 on appeal are shown as follows:

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U.S.S.N. 08/965,356

Filed November 6, 1997

PETITION FOR ENTRY OF AMENDMENT

1. A transgenic rodent whose genome comprises a stably integrated DNA sequence encoding a syndecan operably linked to a promoter, wherein expression of the DNA sequence results in the rodent developing maturity onset obesity.
6. The rodent of claim 1 having the genotype FVB/N-TgN(synd-1).
10. A method for screening for compounds which can alter body weight comprising: administering a compound to a transgenic rodent whose genome comprises a stably integrated DNA sequence encoding a syndecan operably linked to a promoter, wherein expression of the DNA sequences results in the rodent developing maturity onset obesity, and observing whether there is a change in body weight over a period of time.
15. The method of claim 14 wherein the rodent has the genotype FVB/N-TgN(synd-1).

The amendment mailed April 27, 2001, amended claims 6 and 15 as follows:

6. A transgenic rodent whose genome comprises a stably integrated DNA sequence encoding a syndecan operably linked to a promoter, wherein expression of the DNA sequence results in the rodent developing maturity onset obesity having the genotype FVB/N-TgN(synd-1).
15. A method for screening for compounds which can alter body weight comprising: administering a compound to a transgenic rodent whose genome comprises a stably integrated DNA sequence encoding a syndecan operably linked to a promoter, wherein expression of the DNA sequences results in the rodent developing maturity onset obesity, and observing whether there is a change in body weight over a period of time, wherein the rodent has the genotype FVB/N-TgN(synd-1).

U.S.S.N. 08/965,356

Filed November 6, 1997

**PETITION FOR ENTRY OF AMENDMENT**

It is immediately apparent that appellants have done no more than what was stated in the Examiner's Answer. For the examiner to assert that this raises new issues is inappropriate. If so, then prosecution of the application should be reopened.

It is believed no fee should be due with this petition since it appears that it is required solely by virtue of an error by the examiner. Should a fee be required, however, the Commissioner of Patents is authorized to charge the appropriate fee to our deposit order account No. 50-1868.

**PLEASE NOTE THAT ALL FUTURE CORRESPONDENCE SHOULD BE  
ADDRESSED TO THE UNDERSIGNED AT:**

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Respectfully submitted,



Patrea L. Pabst  
Reg. No. 31,284

Date: October 2, 2002  
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U.S.S.N. 08/965,356  
Filed November 6, 1997  
PETITION FOR ENTRY OF AMENDMENT

CERTIFICATE OF FACSIMILE TRANSMISSION (37 CFR 1.8)

I hereby certify that this Petition, along with any paper referred to as being attached or enclosed, is being facsimile transmitted on the date shown below to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Date: October 2, 2002

Jean Hicks  
Jean Hicks

ATL1 #546780 v1